

**Meeting of the Central Valley Flood Protection Board
February 26, 2009**

**Draft Staff Report - Supplement
Final CEQA Findings and Staff Recommendation**

Description

To construct a 63- by 153-foot pump station and install a 60-inch-diameter underground pipeline on the left (south) bank of the Tuolumne River Designated Floodway. The proposed pump station would pump diverted water from the Tuolumne River to the pipeline that would convey water to Turlock Irrigation District's Ceres Main Canal. The pump station would consist of up to six electric pumps totaling 2,400 horsepower. The initial 1,280 feet of the pipeline would be constructed within the Board's designated floodway.

CEQA Findings

Board staff has prepared the following CEQA findings:

The Board, as a CEQA Responsible Agency, has independently reviewed the Amended Initial Study, Mitigated Negative Declaration and mitigation measures (SCH 2001022029, March 2001, amended January 23, 2007) for the Turlock Irrigation District, Infiltration Gallery Project in Special Run Pool 9 (SRP 9) prepared by the lead agency, Turlock Irrigation District. These documents may be viewed or downloaded from the Central Valley Flood Protection Board website at <http://www.cvfpb.ca.gov/meetings/2009/02-26-2009.cfm> under a link for this agenda item.

Based on the Initial Study the Turlock Irrigation District (TID) found that the project will not have a significant adverse effect on the environment. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA on March 28, 2001. Subsequently the TID Board of Directors amended the Initial Study and Mitigation Negative Declaration (IS / MND) on January 23, 2007 to amend the alignment of the eastern pipeline alternative that would convey water from the Tuolumne River to the TID Ceres Main Canal.

Pursuant to California Environmental Quality Act (CEQA) Section 15164(a), TID determined that an Addendum to the IS / MND would be an appropriate means to address the proposed change to the Infiltration Gallery Project and ensure compliance with CEQA requirements for the project. After review of the proposed project change TID considered the proposed modification to be a minor technical change consistent with Section 15164(b) of the State CEQA Guidelines. This minor change would create no new significant environmental effects or substantial increase in the severity of

significant effects previously identified in the IS / MND. TID further determined that none of the conditions described in CEQA Section 15162(a) warranting the preparation of a subsequent EIR or Negative Declaration would apply to the proposed change to the project.

Attachment 1 includes TID Resolution No. 2007-7 authorizing adoption of the addendum to the IS / MND, the Addendum narrative document, and maps of the original western and eastern alignments and the amended eastern alignment.

The proposed (now amended) project would not result in any significant impacts that could not be avoided. All effects of the project are either less than significant or mitigated to a less-than-significant level. The project is expected to achieve a net benefit to the environment by improving salmon spawning habitat conditions from increased flows in the lower Tuolumne River between La Grange Dam and SRP 9.

Mitigation measures were incorporated into the project design to reduce potentially significant impacts to less than significant. Mitigation measures address impacts to:

- Aesthetics (replacement of removed trees as a result of pipeline construction)
- Air Quality (implementation of San Joaquin Valley Air Pollution Control District control measures to reduce short-term construction related emissions; avoid construction in a public park during peak recreation season)
- Biological Resources (conduct a pre-grading special status plant survey along pipeline route and perform avoidance measures as required; map and fence existing elderberry shrubs (none are planned for removal); conduct pre-construction surveys for nesting raptors, nesting cormorants and pond turtles and avoid as necessary;
- Cultural Resources (if archaeological, historical, and paleontological resources or human remains are discovered stop work, evaluate and determine treatment measures as necessary; avoid damage to existing farm building along pipeline route)
- Geology and Soils (construction methods to be consistent with Restoration Project's Storm Water Pollution Prevention Plan)
- Hazards and Hazardous Materials (adhere to all Stanislaus County traffic control requirements)
- Hydrology and Water Quality (obtain / comply with NPDES General Construction Activity Stormwater Permit; staging/storage areas for construction vehicles, equipment, parts, and materials, including fuels, lubricants, and solvents, will be located outside of the floodplain; all stationary equipment such as motors, pumps, generators, and welders located within or adjacent to the river will be positioned over drip pens, and all machinery will be properly maintained and cleaned to prevent spills and leaks, spill cleanup will use guidance provided by TID's Spill Cleanup guidelines)

- Land Use and Planning (avoid pipeline construction during the planting and harvesting seasons of the orchard located at the northwest corner of the Geer Road/TID Main Canal intersection)
- Noise (implement construction noise minimization measures and limit construction between 7:00 a.m. and 10:00 p.m.; mufflers on all equipment; no equipment idling when not in use; TID will fully enclose the infiltration gallery pump station to reduce noise levels at local sensitive receptors)
- Transportation / Traffic (implement traffic control measures during construction)
- Growth Inducing Impacts (The proposed project would include the development of an infiltration gallery, pump station, and pipeline to divert water from the Tuolumne River for irrigation uses within the TID service area. The project represents relocation of existing water diversions from La Grange Dam, rather than a new diversion. The project would not: 1) construct new housing, 2) create substantial new employment opportunities, 3) create substantial short-term employment opportunities, 5) create a demand for new utilities and services that could foster growth, or 6) remove an obstacle to additional growth. Therefore, the proposed project would not be growth inducing.

Based on its independent review of Turlock Irrigation District's Amended Initial Study, Mitigated Negative Declaration and Addendum to the IS / MND the Board finds that although the proposed project could have significant environmental impacts there will be no significant impacts in this case because TID has incorporated mandatory mitigation measures into the project plans that will reduce the level of significance to less than significant after mitigation.

Staff Recommendation

Staff recommends that the Board adopt the CEQA findings, approve the permit, and direct staff to file a Notice of Determination with the State Clearinghouse.

Attachments

1. TID Resolution No. 2007-7 to Amend the Initial Study / MND

RESOLUTION NO. 2007-7

RESOLUTION AUTHORIZING ADOPTION OF AN ADDENDUM TO
THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE
INFILTRATION GALLERY PROJECT

WHEREAS, the Turlock Irrigation District adopted an Initial Study/Mitigated Negative Declaration (IS/MND) for the Infiltration Gallery Project on 27 March 2001, and

WHEREAS, the gallery portion of the Infiltration Gallery Project was constructed in 2002 along with the SRP 9 River Restoration Project, and

WHEREAS, the District wishes to complete the construction of the remaining elements of the Infiltration Gallery Project; the pump station and the pipeline to the TID Ceres Main Canal, and

WHEREAS, the IS/MND identified a western and an eastern alternative for the route of the pipeline between the pump station and discharge into the TID Ceres main Canal, and

WHEREAS, recent bridge and road expansion work combined with discussions with landowners impacted by the pipeline construction have identified the need to adjust the eastern pipeline alignment for the benefit of the project, and

WHEREAS, the adjusted pipeline alignment would also facilitate delivery of a portion of the flow from the Infiltration Gallery Project to the proposed Regional Surface Water Supply Project, and

WHEREAS, the EIR for the Regional Surface Water Supply Project, adopted 19 December 2006, addressed the impacts of that project using flows from the Infiltration Gallery Project on a year round basis, and

WHEREAS, the adjustment to the eastern pipeline route would create no new significant environmental effects or substantial increase in the severity of the significant effects previously identified in the IS/MND, and

WHEREAS such a modification in the pipeline alignment is considered a minor technical change that is consistent with Section 15164(b) of the State CEQA guidelines that allows use of an addendum to the IS/MND.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors does hereby approve and adopt the attached "Addendum to the Infiltration Gallery Project in Special Run Pool 9 - Initial Study/Mitigated Negative Declaration" and makes it a part of the record of proceedings for the Infiltration Gallery Project.

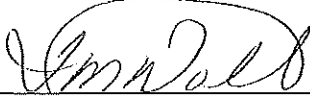
Moved by Director Crowell, seconded by Director Fernandes, that the foregoing resolution be adopted:

Upon roll call the following vote was had:

| | |
|---------|---|
| Ayes: | Directors Short, Crowell, Fiorini, Fernandes, Berryhill |
| Noes: | Directors None |
| Absent: | Directors None |

The President declared the resolution adopted.

I, Tami Wallenburg, Deputy Secretary of the Board of Directors of the TURLOCK IRRIGATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of said Board of Directors held the 23rd day of January, 2007.



Deputy Secretary of the Board of
Directors of the Turlock Irrigation District

ADDENDUM TO THE INFILTRATION GALLERY PROJECT IN SPECIAL RUN POOL 9 INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

1. INTRODUCTION

Purpose for this Environmental Review

In February 2001, the Turlock Irrigation District (TID or District) circulated the Initial Study/Mitigated Negative Declaration for the Infiltration Gallery Project in Special Run Pool 9 SCH#2001022029. The TID Board of Directors adopted the Initial Study/Mitigated Negative Declaration (IS/MND) on 27 March 2001 and construction of the project began in 2002. The sole purpose of the Infiltration Gallery Project was to benefit aquatic resources within a 26-mile reach of the Tuolumne River from La Grange Dam downstream to the infiltration gallery. Upon completion of the Infiltration Gallery Project, a portion of the water now diverted by TID for agricultural use at La Grange Dam would be diverted at the infiltration gallery site.

The Infiltration Gallery Project consists of a number of elements. The first element of the gallery project was an array of "permeable conduits" (perforated pipes) installed within the riverbed of the Tuolumne River, just west of the Geer Road Bridge, northeast of the City of Hughson in northern Stanislaus County. The gallery component of the project was completed in 2003. Other elements of the Infiltration Gallery Project include a new pump station and a pipeline that would convey water from the river to TID's Ceres Main Canal near its intersection with Aldrich Road. The pipeline and pumping facilities have not been constructed.

The TID desires to proceed with the construction of the remaining portions of the Infiltration Gallery Project. Since the gallery portion was constructed in 2003 there has been significant road construction that would impact the terminal point for the original pipeline route, thus increasing its length. Discussions with the impacted landowners found opposition to this route. Reviewing the alternative route in the 2001 IS/MND with these same impacted landowners resulted in an amended alignment that would be 480 feet shorter and would have less impact on the landowners. The terminal point would still be in the same reach of the TID Ceres Main Canal as the original alternate route identified in the IS/MND.

In addition, TID approved the Regional Surface Water Supply Project and certified the Final Environmental Impact Report for that project in December of 2006. The Regional Surface Water Supply Project as proposed consists of a 45 million gallon per day water treatment plant (WTP) that would draw water supply at the Infiltration Gallery and through the yet-to-be-constructed raw water pipeline at a tie-in on the WTP site. The proposed WTP is located on a 50-acre parcel immediately southeast of the Fox Grove Fishing Access site. The Regional Surface Water Supply Project EIR is available for public review at the Turlock Irrigation District, Civil Engineering Department located at 333 E. Canal Street, Turlock, California.

In connecting the Infiltration Gallery Project to the approved Regional Surface Water Supply Project WTP, TID would slightly modify the eastern pipeline alignment alternative addressed in the Infiltration Gallery Project IS/MND. This modification is described in detail Section 2 of this Addendum.

As noted, TID proposes to alter the operation of the Infiltration Gallery Project to supply raw water to the proposed Regional Surface Water Supply Project. This alteration would utilize the gallery year round instead of only during the irrigation season. The Regional Surface Water Supply Project EIR thoroughly addressed the potential impact of this change and found that the modification of the Infiltration Gallery operation to year-round would result in no new significant environmental impact.

TID, the lead agency for both the Infiltration Gallery and Regional Surface Water Supply Projects pursuant to California Environmental Quality Act (CEQA) Section 15164(a), determined that an Addendum to the *Infiltration Gallery in Special Run Pool Initial Study/Mitigated Negative Declaration (2001)* (IS/MND) would be an appropriate means to address the proposed change to the Infiltration Gallery Project and ensure compliance with CEQA requirements for that project. After review of the proposed project change, the District considers the proposed modification to be a minor technical change and is consistent with Section 15164(b) of the State CEQA Guidelines. This minor change would create no new significant environmental effects or substantial increase in the severity of significant effects previously identified in the IS/MND. Further the District determined that none of the conditions described in CEQA Section 15162(a) warranting the preparation of a subsequent EIR or Negative Declaration would apply to the proposed change to the Infiltration Gallery Project. As required by Section 15164 of the CEQA Guidelines, this determination must be supported by substantial evidence. This evidence is contained within Section 3 of this Addendum.

Environmental Review of the Proposed Project

In support of TID's determination that an addendum to the IS/MND is appropriate to address proposed project changes, TID reviewed each of the technical issue areas presented in the Initial Study Environmental Checklist for the Infiltration Gallery Project to assess whether those changes could potentially cause new significant impacts or have more substantially severe environmental impacts. The IS/MND was adopted in 2001 and TID approved the project at that time. This Addendum does not alter in any way approved mitigation measures contained in the 2001 IS/MND. As required in the TID Board resolution adopting the MND and the mitigation monitoring plan accompanying the MND, all adopted mitigation measures would apply to the Infiltration Gallery Project as modified by this Addendum.

Intended Use of this Addendum

As noted above, this document is an addendum to the *Infiltration Gallery in Special Run Pool Initial Study/Mitigated Negative Declaration (2001)* which is on file and available for public review at the Turlock Irrigation District, 333 East Canal Street, Turlock, California. Section 15164 of the CEQA Guidelines encourages the use of an Addendum to an EIR or Negative Declaration if some changes or additions are necessary, but none of the

conditions that would require the preparation of a Supplemental or Subsequent EIR have occurred.

This Addendum examines any new potentially significant impacts and/or increases in the severity of impacts previously analyzed in the IS/MND. The Environmental Checklist presented in the IS/MND study was reviewed and used to assess the potential for any new impacts that could be caused by the proposed changes to the project.

Conclusion and Justification

TID, the lead agency for the Infiltration Gallery Project, reviewed CEQA Section 15162 to determine the necessary environmental review that would allow the District to implement proposed changes to the Infiltration Gallery Project and still comply with the requirements of CEQA. That review concluded that an addendum to the Infiltration Gallery Initial Study/Mitigated Negative Declaration was the most appropriate document according to CEQA Section 15164 (b) which states, "An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred."

In helping determine whether preparation of a subsequent EIR or mitigated negative declaration is appropriate, instead of an addendum to the previous MND or EIR, Section 15162 (a)(1) states that changes to a project are considered "substantial" when these changes will require major revisions of previous EIR. Further, Section 15162(a)(2) states that a subsequent EIR or MND may be needed when substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR. Lastly, Section 15162(a)(3) notes that a subsequent EIR or MND may be needed if new information of substantial importance has become available which "was not known and could not have been known with the exercise of reasonable diligence at the time of the previous EIR." Section 15162 (b) notes that if the requirements to prepare a subsequent EIR listed in Section 15162(a) listed above are not met, the lead agency shall determine whether to prepare a subsequent mitigated negative declaration, an addendum, or no further documentation.

This Addendum uses a review of each subject item presented in the Environmental Checklist contained in the Infiltration Gallery Initial Study as a systematic methodology and standardized procedure to properly discuss and document those environmental issues that could be affected by the proposed project. The Checklist poses questions that could be associated with project activities and requires responses based on legitimate research, accepted documentation, and personal communications to produce a document founded on substantial evidence. This discussion is presented in Section 3 of this Addendum.

2. DESCRIPTION OF PROPOSED CHANGES TO THE PROJECT

The IS/MND for the Infiltration Gallery Project, adopted 27 March 2001, identified two alternative pipeline routes to carry the water from the river between the pump station and the TID Ceres Main Canal. Recent discussions with the impacted landowners

indicated they did not like either of the original routes because of impacts to their properties. The landowners Beard and Nazareno have indicated extreme dissatisfaction with the western alignment in the IS/MND. Mr. Beard owns the lands where each option terminated and he offered an alternative route through his property, east of the original eastern alignment option. Both Beard and Nazareno are quite satisfied with the proposed modification to the eastern alternative route, and it avoids any impact to the Schmidt parcel.

The original western alternative was the shortest route, traversed across two parcels with orchards, involved construction up a long steep bluff, and terminated in the TID Ceres Main Canal just west of the intersection of Hatch and Geer Roads, a very busy road intersection. Current expansion of the two roads plus construction of a nearby bridge and new intersection for Hatch Road at Euclid Road to the west has forced the need to move the original termination point further west (down stream) on the canal, but would not eliminate construction impacts to Hatch Road. This increases the alignment length by several hundred feet and impacts commercial development of the Beard parcel on the north side of Hatch Road.

The original eastern alignment option was 4,320 feet long, significantly longer than the western alternative, traversed a shorter portion of the same steep bluff, would be constructed in a portion of the Fox Grove Park, including along the edge of the road access to the regional park, through a third parcel owned by Schmidt, and it ended with a circuitous route through orchards on another Beard parcel and around a substation to reach the TID Ceres Main Canal. The eastern alignment significantly reduced the impacts to the Nazareno parcel when compared to the western route because no part goes through the orchard and the length is less.

The amended eastern alignment is preferred by all the impacted landowners and is 480 feet shorter than the original eastern alignment. It avoids construction along the access road to Fox Grove Park, reduces the long steep cut up the bluff by using the developed farm benches, minimizes disruption to the orchards by following ranch road alignments, avoids impacts on large oak trees and elderberry shrubs in the Fox Grove Park, and avoids three houses and associated driveways including avoiding the Schmidt parcel entirely. There is more extensive construction on the Beard parcel, but the alignment follows a ranch access road for less disruptive construction and easier erosion control measures.

3. EVIDENCE SUPPORTING AN ADDENDUM TO THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

The following section presents evidence supporting TID's determination that an Addendum adequately meets CEQA requirements to address the potential environmental impacts of proposed changes to the Infiltration Gallery Project in Special Run Pool 9. The section is organized by issue area as presented in the Infiltration Gallery Project's Initial Study Environmental Checklist.

Aesthetics

Proposed changes to the Infiltration Gallery Project would reroute a portion of the proposed project. Proposed changes would not involve the construction of permanent above-ground facilities that would affect scenic views. Therefore, the proposed project changes would not significantly affect the conclusion of no significant impact presented in the IS/MND. The IS/MND found that the Alternative Pipeline Alignment could result in impacts on scenic resources by requiring the removal of scenic resources in the form of "landscape features" such as "oak trees in Fox Grove Park, vineyards and orchards located east of Geer Road." The proposed rerouting of the Alternative Pipeline Route addressed in the IS/MND would not substantially alter this determination. However, the amended route will avoid more of the oak trees in Fox Grove Park and reduce the amount of orchard to be disturbed. Implementation of the mitigation measure AESTH-1 presented on page 3-14 of the IS/MND would ensure no new impact would occur as a result of the proposed changes to the alternative pipeline route.

Agricultural Resources

The IS/MND states:

The southern half of the proposed pipeline route west of Geer Road would cross designated prime farmland and farmland under Williamson Act contracts (Ford, pers. comm., 2000). However, the proposed pipeline would be developed within an existing TID utility easement that is neither under active agriculture nor subject to Williamson Act agreements. Furthermore, the purpose of the pipeline is to convey water to be used for irrigation. It would be consistent with the County's agricultural zoning of the pipeline corridor and its environs. Therefore, the pipeline component of the proposed project would not convert designated farmland to a non-agricultural use, would not conflict with Williamson Act contracts, and would not conflict with agricultural zoning. (NI)

The proposed changes to the Alternative Pipeline Route would alter the alignment of a portion of the pipeline route between the infiltration gallery and the Ceres Main Canal. The revised route, however, would not substantively alter the conclusions presented in the IS/MND pertaining to agricultural resources. As with the Alternative Pipeline Alignment, the modified alignment would cross agricultural land currently planted in orchard. Most of the construction in the orchard would now follow existing ranch access roads. While a reduced amount of orchard tree removal would still occur as a result of the realignment, the impact would be less than significant and not be substantially different than that identified for the Alternative Pipeline Alignment.

Air Quality

Implementation of the proposed changes to the Alternative Pipeline Alignment would result in a reduction of pipeline length by 480 feet, with a corresponding reduction in construction equipment emissions and dust generation. Therefore, no new impact on air quality would result from implementing the proposed changes to the Alternative Pipeline Alignment. As with the proposed project, implementation of mitigation measure AIR-1 (page 3-17 of the IS/MND) would be required for the project as modified in order to avoid significant impact on air quality pertaining to construction related emissions. As with the Alternative Pipeline Alignment, no impact on air quality would result from operation of the completed facilities. Proposed changes in the pipeline alignment would in no way affect this conclusion.

As with the Alternative Pipeline Alignment, implementation of the proposed realignment would still involve pipeline construction activities in or near Fox Grove Park, but to a reduced extent on the Fox Grove Park parcel. As such, implementation of mitigation measure AIR-2 would be required for both the Alternative Pipeline Alignment and the proposed project changes in order to avoid significant impact.

Terrestrial Biological Resources

The portion of the proposed pipeline alignment adjacent to the Tuolumne River has the potential to affect several plant and animal species that use the riparian habitat along the river. Although the modifications to the pipeline alignment from the Fox Grove Fishing area to the Ceres Main Canal would occur in areas that have been paved, landscaped, or highly disturbed, the proximity of the construction operations to the Tuolumne River increases the potential for impacts to plant and animal resources in the riparian habitat. However, mitigation measures implemented as part of the Infiltration Gallery project would reduce impacts to a less-than-significant level.

There is no suitable habitat for any special status plant species between the Fox Grove recreation area and the proposed WTP site. The likelihood of any special status plant species occurring in this area is low because the site is mostly paved over or experiences some level of vegetation management. Special status plants that are likely to occur in the region require vernal pool habitat or grassland/woodland habitat. There is no vernal pool habitat between the Fox Grove Parking lot and the amended terminal point in the Ceres Main Canal; however, there is a small lot adjacent to the parking lot that supports some non-native grassland habitat. The lot is associated with an adjacent residence, and the field is occasionally disced or mowed to keep down vegetation around the house. This area is not likely to contain any special status plant species because of the human activity and vegetation management that occurs on the site. Impacts to special status plants in this portion of the pipeline would be less-than-significant. Furthermore, mitigation measure BIO-1 (page 3-31 of the IS/MND) would also reduce this impact to a less-than-significant level.

Valley Elderberry shrubs are a common plant along this portion of the Tuolumne River and there are several plants located around the proposed Infiltration Gallery facilities and pipelines in the Fox Grove recreation area. However, there are no elderberry plants in the proposed amended pipeline alignment from the Fox Grove parking lot to the termination at the TID Ceres Main Canal. The amended alignment avoids several elderberries found on the original pipeline alignment. Elderberries in the immediate area are at least 100 feet from the pipeline, and would be completely avoided. Therefore, impacts to Valley Elderberry Longhorn Beetle (VELB) and their habitat in this segment of the pipeline would be less than significant. Furthermore, Mitigation measure BIO-2 (page 3-31 of the IS/MND) would reduce this impact to a less-than-significant level.

Suitable habitat for California red-legged frogs (CRLF) occurs along the Tuolumne River adjacent to the project area. However, a number of factors make the presence of this species in these areas very unlikely. There is no suitable habitat for this species

between the Fox Grove parking lot and the terminal point on the Ceres Main Canal. Furthermore, It is widely accepted that CRLF is extirpated (locally extinct) in the Central Valley. Additionally, no known occurrences of this species are within five miles of the project site. Impacts to CRLF associated with construction between the Fox Grove Fishing access parking lot and the WTP site would be less than significant.

Several special status birds have the potential to occur in the vicinity of the project area including: Swainson's hawk, tricolored blackbird, great blue heron, burrowing owl, snowy egret and Suisun song sparrow. Suitable nesting habitat for these species occurs along the Tuolumne River in the vicinity of the infiltration gallery. Trees in the vicinity of the parking lot could provide suitable nesting habitat for raptors, herons and egret species. Suitable nesting habitat for the Suisun song sparrow and tricolored blackbird also occurs along the banks of the river. Disruption of nesting birds, resulting in the abandonment of active nests, or the loss of active nests through structure removal would be a significant impact. Mitigation measures BIO-3 and BIO-4 (page 3-32 of the IS/MND) would reduce these impacts to a less-than-significant level.

Western pond turtles are a CDFG Species of Special Concern. They occur in streams, ponds, freshwater marshes, and lakes. They prefer still water ponds and slow moving streams with banks, snags, or in-stream emergent woody debris for basking and resting sites. Suitable habitat occurs along this portion of the Tuolumne River and around the Infiltration Gallery. They have the potential to occur in the vicinity of the Fox Grove parking lot near the proposed pipeline alignment. The proposed project could affect individuals of the species directly or through habitat modification. This would be a significant impact. Mitigation Measure BIO-5 (page 3-33 of the IS/MND) would reduce these impacts to a less-than-significant level.

There is no suitable native habitat for San Joaquin kit foxes along the proposed pipelines. The region has been in agricultural production for many decades and suitable native habitats for the fox no longer exist. Furthermore, there are no CNDDDB records of this species within five miles of the proposed pipeline alignments. Records of the species in Stanislaus County are located along the western side of the county. The proposed project will not affect any San Joaquin kit foxes or any of their natural habitats. Therefore, the proposed project would result in no impacts to this species.

Construction of the pipeline through the Fox Grove Recreation area would require removal of a few small trees and some minor riparian vegetation. The proposed pipeline would be constructed across a portion of the landscaped grass field, the parking lot, and a small fallow field, and a short embankment that supports riparian vegetation, a total distance of approximately 300 feet. Trees in this area include a few small Valley oak trees, Hinds walnut trees, and California boxelder trees. These trees are located on the short, steep embankment above the river leading from the parking lot up to a plateau at the orchard where the remainder of the pipeline would be located. The embankment at this location is roughly 15 feet in height and the slope supports several small riparian trees and shrubs, which have grown along the orchard's northern fence line.

Although the area contains some riparian tree and shrub species, the site does not represent natural riparian habitat, because it lacks the necessary functions and components that make riparian habitats suitable to wildlife species. The site experiences high levels of human activities due to its proximity to the parking lot and orchard. Furthermore, the trees do not provide shade cover to the river, nor do they provide suitable nesting habitat for riparian bird species. The embankment was created as a result of the construction of the orchard site, and does not represent the natural remnant riparian habitat that likely occupied the area prior to human development. The area continues to experience some level of vegetation management along both sides of the fence line with the orchard.

It is estimated that less than 0.25 acres of riparian vegetation would be affected by the construction of the pipeline. As stated above, the area does not represent riparian habitat; therefore, impacts to riparian habitat would be less than significant. Moreover, when the gallery portion of the proposed project was constructed, in conjunction with the SRP 9 Tuolumne River Restoration Project, approximately 4.14 acres of new riparian habitat were created.

The proposed project would be constructed on benches within the floodway of the Tuolumne River, a navigable watercourse and a "Water of the U.S." The proposed project would not result in any additional impact to jurisdictional Waters of the U.S. not already discussed in the Tuolumne River Restoration Project Monitoring Plan.

The major wildlife corridor through the area is associated with the Tuolumne River riparian habitats. The project would not interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, because the project avoids the riparian habitats along the Tuolumne River. Furthermore, the pipeline would be buried below ground and constructed in segments, such that there would be no permanent barriers to migration in the area where construction is occurring. Impacts to migrating wildlife would be less than significant.

Currently, Stanislaus County does not have any specific tree ordinances protecting trees; however, the Open Space and Conservation Element and Land Use Element of the county General Plan calls for protection of oak woodlands and riparian habitats through implementation of the General Plan Policies. The proposed project's amended alignment would avoid oak trees found in the original project alternative alignment and thus reduces impacts on existing oak woodland habitat. That segment of the amended pipeline alignment through the Fox Grove parking lot to the adjacent orchard contains only riparian vegetation, not riparian habitat. The rest of the alignment is through existing orchard land with no riparian vegetation. Consequently, this area does not provide suitable habitat for riparian wildlife species; therefore, impacts are considered less than significant.

The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, there is no impact associated with the proposed changes to the project.

Aquatic Biological Resources

Proposed modifications to the Alternative Pipeline Alignment will not directly affect any perennial or intermittent streams. Therefore, no direct impact on fishery resources would occur as a result of the proposed project changes. The potential for impact due to increased erosion potential would be reduced from that of the Alternative Pipeline Alignment addressed in the IS/MND because the pipeline length is 480 feet shorter and there are reduced slope cuts; therefore, the result would be no new impact.

Cultural Resources

Construction of proposed changes to the Alternative Pipeline Alignment would occur in areas that have been paved over, landscaped, or highly disturbed; however, there remains a potential for project construction to impact previously undiscovered culturally significant resources. As with the proposed project, implementation of mitigation measures CULT-1, CULT-2 and CULT-3 would ensure that potential impacts of the proposed project and proposed modifications to the project would be reduced to a less-than-significant level. As such, implementation of the proposed changes to the project would not result in new impacts from those identified in the IS/MND.

Geology and Soils

Implementation of the proposed changes to the pipeline alignment would not occur in areas with substantially different soils or geologic conditions than those identified for the proposed project. With implementation of mitigation measure GEO-1 (page 3-58 of the IS/MND) significant impacts on geology and soils resources would be reduced to less than significant. Additionally, the extent of soils disturbance with implementation of the proposed project changes would be reduced relative to the Alternative Pipeline Alignment because the length of pipeline is 480 feet shorter. Therefore, no new impacts on Geology and Soils resources would result from implementing the proposed project changes.

Hazards and Hazardous Materials

The handling and transport of hazardous materials addressed in the IS/MND is not expected to be substantially different with the proposed modifications to the pipeline alignment. As with the Alternative Pipeline Alignment, implementation of mitigation measure HAZ-1 would be needed in order to adequately mitigate potential impacts on access to Fox Grove Park.

Hydrology, Water Quality and Geomorphology

Implementation of the proposed changes to the pipeline alignment would not result in substantial differences in site drainage characteristics, erosion potential, flooding characteristics, or groundwater quality and recharge. With implementation of mitigation measures HYDRO-1 through HYDRO-4 (page 3-68 and 3-69 of the IS/MND) would reduce potential impacts of the Alternative Pipeline Alignment and the proposed changes to that alignment to a level considered to be less than significant. No new

impacts or increase in the severity of impact, therefore, would result from the proposed project changes.

Land Use and Planning

The land use and planning identified in the 2001 IS/MND has not changed. The amended alternate pipeline route will still traverse the same agricultural parcel adjacent to the TID Ceres Main Canal. The ownership has not changed. The pipeline will now terminate at the eastern end of that parcel rather than the western end. There would be no changes in the impacts and associated mitigation identified in the IS/MND.

Mineral Resources

The 2001 IS/MND's assessment of potential project impacts on mineral resources relative to the original alternative pipeline alignment may be applied, without substantive change, to the amended alignment. No local general plan, specific plan or other land use plan delineates the amended project area as a locally important mineral recovery site.

Noise

The amended alignment for the alternate pipeline route identified in the 2001 IS/MND will be 480 feet shorter. This will reduce the extent of time required to construct the pipeline, but will not substantially change the construction-related noise impacts on sensitive receptors. Implementation of mitigation measures Noise-1 through -3 (page 3-85 of the IS/MND) would reduce noise-related impacts related to the construction of the realigned pipeline segment to less-than- significant levels and, therefore would not result in any new impacts not previously identified in the MND.

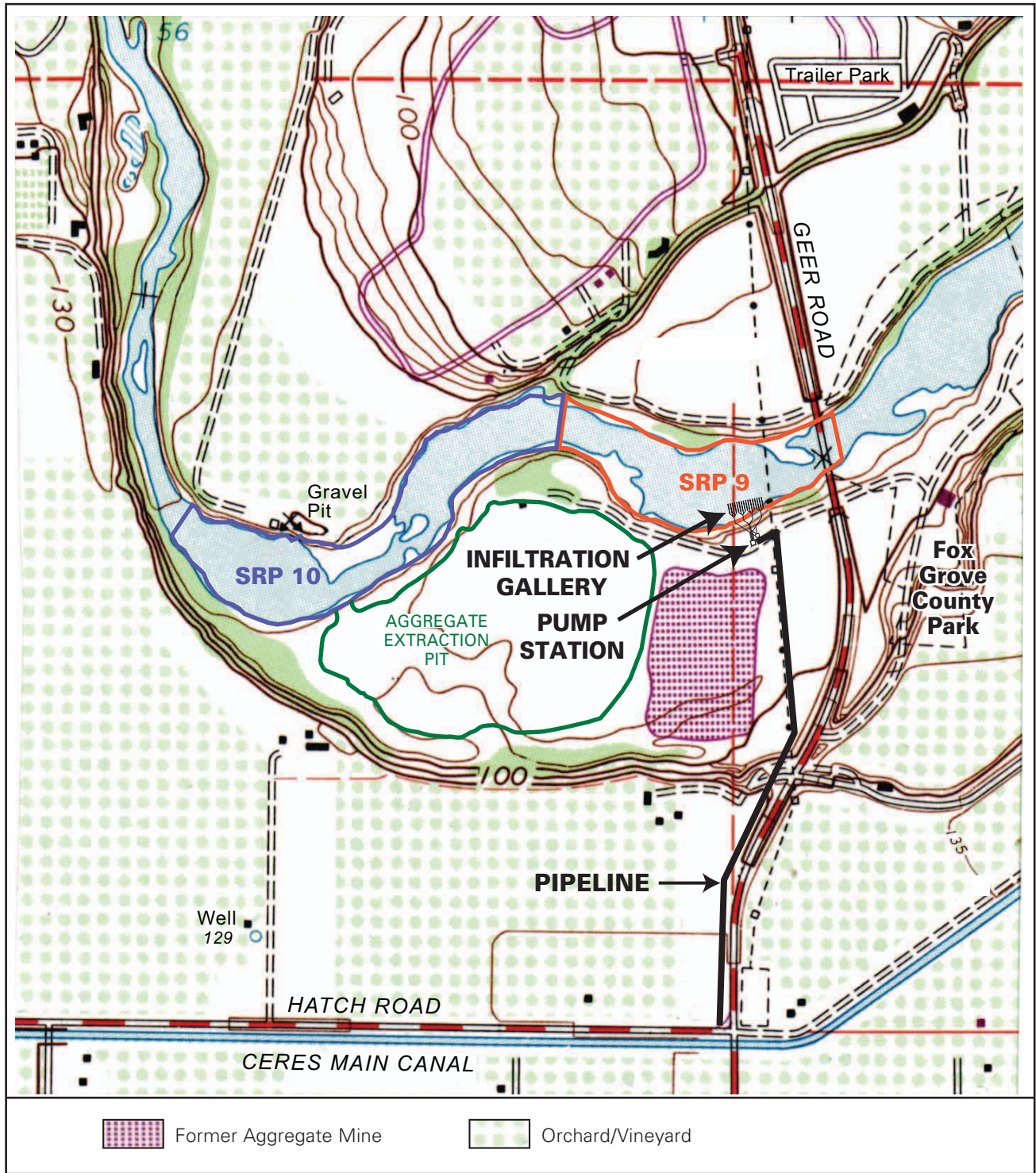
Recreation

The 2001 IS/MND found that temporary impacts on the Fox Grove parking lot, access road to Fox Grove Park, and three residents served by that access road would occur during construction of the alternative pipeline alignment. The amended route for the pipeline would eliminate the impacts along the access road, thus reducing the construction related impacts to recreation access. No new impacts on recreational use or facilities would result from the proposed modification to the alternative pipeline alignment that were not addressed in the 2001 IS/MND.

Transportation and Traffic

The 2001 IS/MND found that construction related impacts on traffic, particularly the access road to Fox Grove Park would occur as a result of construction of the alternative pipeline alignment. While the proposed modifications to the alternative alignment will reduce the construction-related impacts on the Fox Grove Park access road, traffic mitigation measure Traf-1 (page 3-93 of the IS/MND) will still be required to reduce

potential impact to a less-than-significant level. No new impacts on existing transportation and traffic conditions would result from the proposed modification to the alternative pipeline alignment that were not addressed in the 2001 IS/MND.



Base Map Source: Denair, California Topographic Map, U.S.G.S., 1987.

Proposed Action

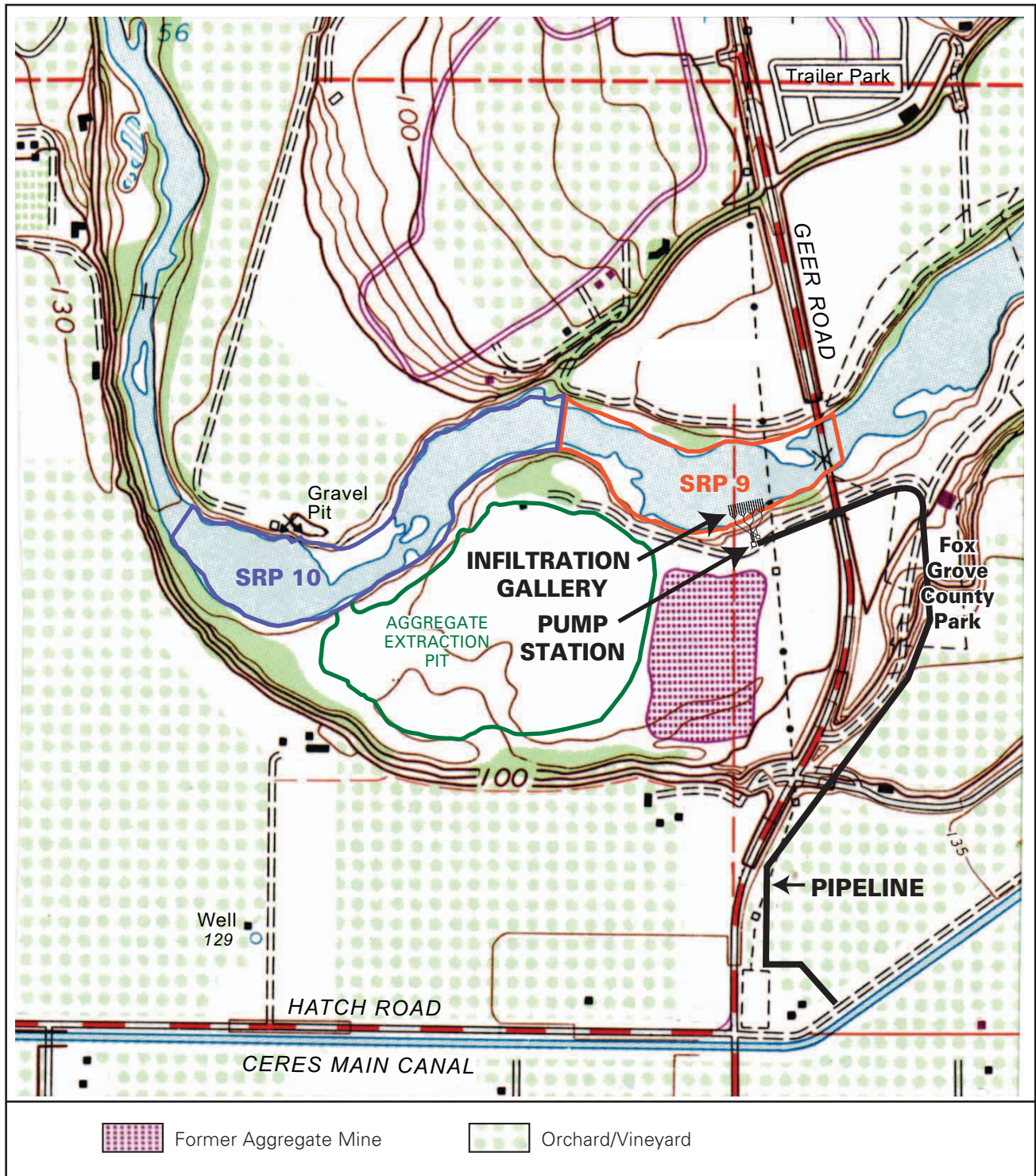
EXHIBIT 2

TID Water Diversion Project IS
JN 0T004.01 1/01

0' 250' 500' 1000'
FEET



EDAW



Base Map Source: Denair, California Topographic Map, U.S.G.S., 1987.

Alternative Pipeline Route

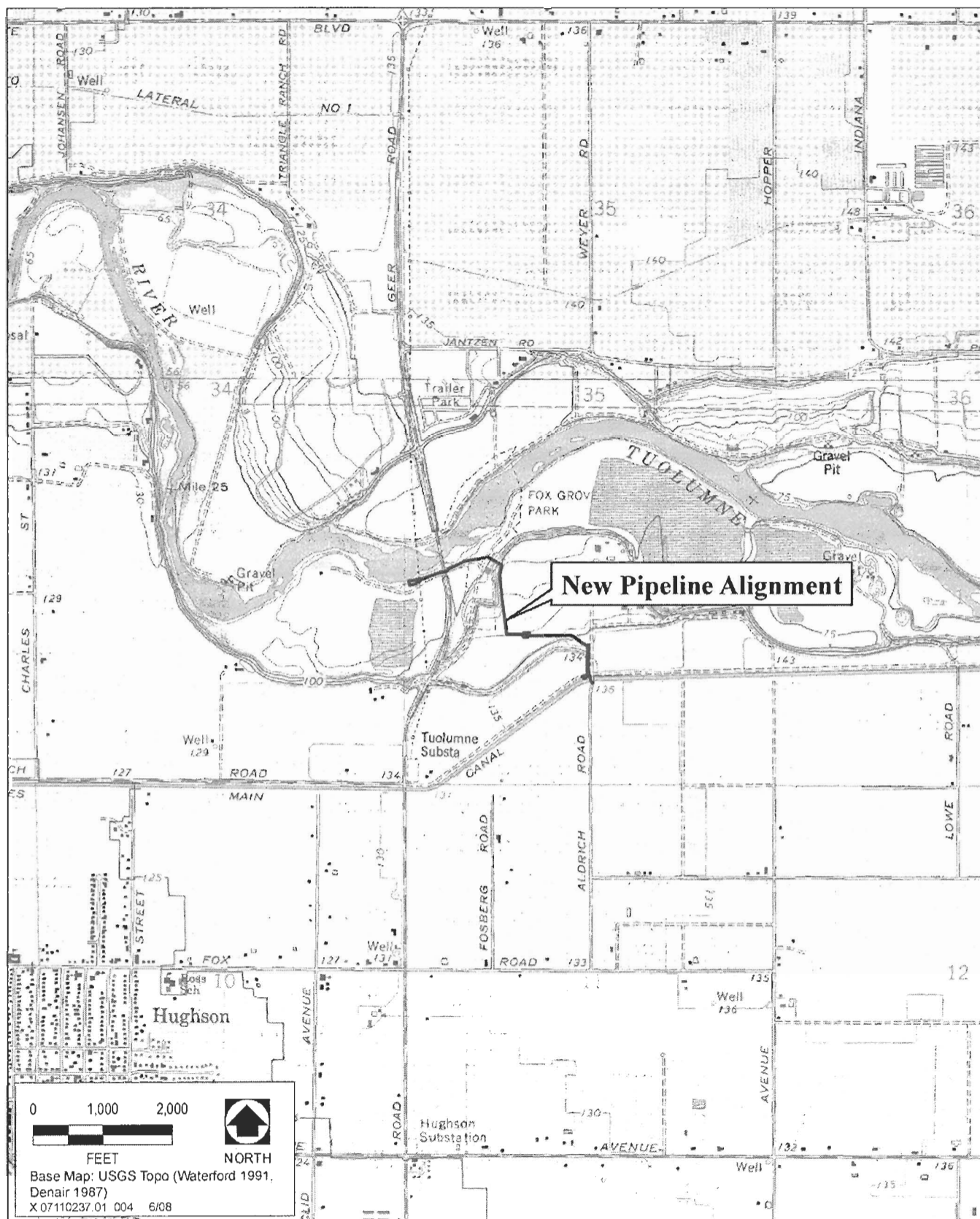
EXHIBIT 3

TID Water Diversion Project IS
JN 0T004.01 1/01

0' 250' 500' 1000'
FEET



EDAW



Source: Adapted by EDAW 2008